

Public Law 94-416  
94th Congress

An Act

To repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico.

Sept. 17, 1976  
[S. 217]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings", approved May 10, 1926 (44 Stat. 498), is hereby repealed.

Pueblo Indians,  
N. Mex.  
Land  
condemnation.  
Repeal.

SEC. 2. Immediately upon enactment of this Act, all proceedings and actions pursuant to the Act of May 10, 1926 (44 Stat. 498), pending on or commenced on the date of enactment of this Act shall be held and considered to have terminated as of the date of enactment of this Act, and thereafter to be of no force and effect: *Provided, however,* That nothing herein shall be interpreted as terminating or otherwise affecting any right of timely appeal (otherwise available but for the enactment of this Act) from any such proceeding or action in which a final decree or order has been entered before the date of enactment of this Act.

SEC. 3. The Act of April 21, 1928 (45 Stat. 442), is hereby amended by striking all after the enacting clause and inserting, in lieu, the following:

25 USC 322.

"That the provisions of the following statutes:

"Sections 3 and 4 of the Act of March 3, 1901 (31 Stat. 1083 and 1084);

25 USC 319,  
357, 311.

"The Act of March 2, 1899 (30 Stat. 990), as amended;

"Sections 1 and 2 of the Act of March 11, 1904 (33 Stat. 65), as amended; and

25 USC  
312-318.  
25 USC 321.  
25 USC  
323-328.

"The Act of February 5, 1948 (62 Stat. 17),

are extended over and made applicable to the Pueblo Indians of New Mexico and their lands, whether owned by the Pueblo Indians or held in trust or set aside for their use and occupancy by Executive order or otherwise, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

"SEC. 2. Notwithstanding such provisions, the Secretary of the Interior may, without the consent of the affected Pueblo Tribes, grant one renewal for a period not to exceed ten years of any right-of-way acquired through litigation initiated under the Act of May 10, 1926 (44 Stat. 498), or by compromise and settlement in such litigation, prior to January 1, 1975. The Secretary shall require, as compensation for the Pueblo involved, the fair market value, as determined by the Secretary, of the grant of such renewal. The Secretary may grant such right-of-way renewal under this section only in the event the owner of such existing right-of-way and the Pueblo Tribe involved cannot

Right-of-way  
renewal.  
25 USC 322a.

Condition.

44 Stat. 498.

reach agreement on renewal within ninety days after such renewal is requested. Nothing in this section shall be deemed to validate or authorize the renewal of a right-of-way which is otherwise invalid by reason of the invalidity of the Act of May 10, 1926, on the date said right-of-way was originally obtained.”

Approved September 17, 1976.

#### LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-800 (Comm. on Interior and Insular Affairs) and No. 94-1439 (Comm. of Conference).

SENATE REPORT No. 94-148 (Comm. on Interior and Insular Affairs).

#### CONGRESSIONAL RECORD:

Vol. 121 (1975): May 21, considered and passed Senate.

Vol. 122 (1976): Feb. 2, considered and passed House, amended.

Aug. 31, House agreed to conference report.

Sept. 7, Senate agreed to conference report.